IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 16936 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ANKITABEN MANOJKUMAR DESAI

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 16936 of 2003

MR NK MAJMUDAR for Petitioner No. 1

MR DN PATEL WITH MR. KRUNAL PANDYA for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE C.K.BUCH

Date of decision: 24/12/2003

ORAL JUDGEMENT

1. Rule. Mr. Krunal Pandya learned counsel

appearing for Mr. D.N. Patel learned Sr. Central Government Standing Counsel waives formal service of Rule on behalf of respondent.

2. With the consent of the learned counsel for the parties, this matter is taken up for final hearing today.

3. By means of filing this petition the petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India and has prayed for appropriate writ, direction or order in the terms of 7(B) of the petition.

4. I would like to quote the relevant prayer made in para 7 (B) of the petition.

"7 (B) : Be pleased to issue appropriate writ and be pleased to direct the Respondent Regional Passport Authority, to consider and process the application of Date of Birth and the Date of Birth may be ordered to be corrected from 22-6-1983 to 22-7-1983 relying upon the copy of the Certificate of Birth issued by the Vadodara Municipal Corporation, the real Date of Birth be entered in the Passport and appropriate direction be issued in this regard to consider the application to correct the said mistake in the Passport immediately within 10 days from the date of Order."

5. It is contended that the petitioner had applied for passport which was issued by the respondent authority on 20-9-2003 bearing No. E 6530542. In the said passport the date of birth of the petitioner is mentioned as 22-6-1983.

6. It is contended that at present the petitioner is holding the valid passport bearing No.E 6530542. But the same bears incorrect date of birth of the petitioner. It is the say of the petitioner that his real birth date is 22-07-1983. The copy of the Birth Certificate issued by the competent authority from the Register maintained under the Births & Deaths Registration Act, 1969 and the Rules framed thereunder. It is the say of the petitioner that he should be issued fresh valid passport with correct date of birth to be 22-7-1983.

7. It is argued that the birth date at present mentioned in the passport was entered on the strength of

the School Leaving Certificate and therefore it requires to be corrected. Correcting regarding birth date of the petitioner is required to be made in the passport. This situation has cropped up because incorrect information tendered to the passport authority at the time when the petitioner applied for the passport. Therefore, the respondent passport authority is required to be directed to issue passport with correct birth date of the petitioner within reasonable time.

8. In the circumstances, the petitioner is directed to make representation before the passport authorities with relevant documents requesting the passport authorities to issue new passport mentioning the correct date of birth of the petitioner.

9. On receipt of such representation from the petitioner, the passport authorities are directed to decide the said representation, as expeditiously as possible, in accordance with law and issue fresh passport to the petitioner showing the correct date of birth of the petitioner, as mentioned in the certificate issued by the authority under Birth & Death Registration Act, 1969. The petitioner shall surrender his old passport to the passport authority before receipt of fresh passport so that the authority can take appropriate decision to cancel the old passport.

10. Before parting, I would like to mention here that this contingency has arisen because of the fault committed by the petitioner and therefore, the petitioner is liable to pay cost to the respondent authorities which is quantified at Rs.5,000/- (Rupees Five Thousand only). The petitioner is directed to deposit the cost of Rs.5,000/- (Rupees Five Thousand only) with the passport authorities.

11. Accordingly, the petition is allowed. Rule is made absolute to the aforesaid extent. D.S. is permitted.

(C.K. Buch, J.)

/JVSatwara/